



Cremation Act 1952

1952 CHAPTER 31

An Act to amend the law relating to cremation; and for purposes connected therewith. [26th June 1952]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Restriction on use of new crematoria.

- (1) No human remains shall be burned in any crematorium established after the commencement of this Act unless the site and plans have been approved by the Minister of Housing and Local Government nor until the crematorium has been certified to the Secretary of State by the burial authority or other person by whom it is established to be complete, to be in accordance with such plans and to be properly equipped for the purposes of the disposal of human remains by burning.
- (2) The proviso to section four of the Cremation Act, 1902, shall cease to have effect except in relation to a crematorium established before the commencement of this Act.
- (3) In the application of this section to Scotland there shall be substituted for the reference to the Minister of Housing and Local Government a reference to the Secretary of State.

2 Amendment of 2 Edw.7 c. 8.

- (1) Section seven of the Cremation Act, 1902 (which requires the Secretary of State to make regulations prescribing amongst other things, the forms of notices, certificates and statutory declarations to be given or made before the burning of any human remains in a crematorium) shall be amended by substituting for the word " declarations ", where first occurring, the word " applications ", by deleting the words " such declarations to be made under and by virtue of the Statutory Declarations Act, 1835," and by inserting after the words " have taken place " the words " Each such application shall be verified in such manner as the Secretary of State may by such regulations prescribe ".

Status: This is the original version (as it was originally enacted).

- (2) Any statutory instrument containing regulations made under the said section seven shall be subject to annulment in pursuance of a resolution of either House of Parliament; and the words from " A copy of" to " enacted in this Act" in that section shall cease to have effect.
- (3) In subsection (3) of section eight of the said Act (which relates to penalties) for the word " declaration " there shall be substituted the word " application ".

3 Fees.

- (1) The Secretary of State may by statutory instrument make regulations prescribing the fees which may be charged in respect of the issue of any medical certificate required under section seven of the Cremation Act, 1902.
- (2) Subsections (1) to (3) of section three of the Burial Act, 1900 (which regulate the fees for burial services which may be collected by burial authorities) shall have effect as if references to a burial authority included references to any authority being a burial authority within the meaning of this Act.

4 Burial authorities and joint committees.

- (1) For the purposes of this Act and the Cremation Act, 1902, the expression " burial authority" shall be deemed to include any council having power to provide a cemetery under, the Public Health (Interments) Act, 1879.
- (2) Section ninety-one of the Local Government Act, 1933 (which enables local authorities to appoint joint committees for any purpose in which they are jointly interested) shall apply in relation to a burial authority not being a local authority within, the meaning of that section as if it were such a local authority.
- (3) In the application of this section to Scotland there shall be substituted for the reference to a council having power to provide a cemetery under the Public Health (Interments) Act, 1879, a reference to a council having power to provide a burial ground under the Burial Grounds (Scotland) Act, 1855, and subsection (2) shall be omitted.

5 Short title, citation and commencement.

- (1) This Act may be cited as the Cremation Act, 1952, and this Act and the Cremation Act, 1902, may be cited together as the Cremation Acts, 1902 and 1952.
- (2) This Act (except subsection (2) of section two) shall come into force three months after the passing of this Act; and the said subsection (2) shall come into force on the passing of this Act.